UNITED
NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/SR.81
3 May 1991

ENGLISH
Original: FRENCH

COMMITTEE AGAINST TORTURE

Sixth session

SUMMARY RECORD OF THE 81st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 26 April 1991, at 11.30 a.m.

Chairman: Mr. VOYAME

CONTENTS

Organizational and other matters (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-11975/6131a

The meeting was called to order at 11.40 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

1. Mr. SORENSEN, speaking as former director of the Rehabilitation Centre for Torture Victims (RCT) in Copenhagen, introduced the film entitled "In Spite Of", which had been made by Astrid Henning-Jensen.

2. The film was intended to make public opinion aware of the problems which victims of torture who had sought asylum in Denmark had to overcome in trying to find their place in society. It told the story of a young man and a young woman with a seven-year-old son who had managed, thanks to their courage and the good offices of the Red Cross, to flee their country, where they had been detained and subjected to systematic torture.

3. The film showed how those refugees, who had requested asylum in Denmark, the host country, had been taken in hand by RCT doctors, social workers and language teachers who had given them advice and support in their efforts to find their identity again. Those efforts had nevertheless been hampered by the reactions of the local population, which had been hostile to foreigners. The film tried to make the audience aware of the serious repercussions such reactions could have on a helpless person who was struggling to regain his self-confidence after escaping from torturers who had tried day after day to convince him of an all-pervading, but shapeless and unfounded guilt.

4. No professional actors had taken part in the making of the film, although Bibi Andersson had been the narrator. The characters had played their own roles to prevent fiction from encouraging the audience to deny the evidence.

5. The film entitled "In Spite Of" on the rehabilitation of victims of torture was projected.

6. The CHAIRMAN thanked Mr. Sorensen for having shown the members of the Committee that film, which attested to the commendable efforts being made by the Rehabilitation Centre for Torture Victims in Copenhagen, which Mr. Sorensen had headed for many years before becoming involved on a full-time basis in the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the United Nations Committee against Torture. It was to be hoped that the film, which showed the ravages that torture really caused, would guide the Committee in its future work.

The meeting rose at 12.35 p.m.

UNITED
NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/SR.82
2 May 1991

Original: ENGLISH

COMMITTEE AGAINST TORTURE

Sixth session

SUMMARY RECORD OF THE 82nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 26 April 1991, at 3 p.m.

Chairman: Mr. VOYAME

CONTENTS

Action by the General Assembly at its forty-fifth session:

(a) Annual report submitted by the Committee under article 24 of the Convention;

(b) World Conference on Human Rights;

(c) Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights;

(d) Consolidated guidelines for the initial part of the reports of States parties

Submission of reports by States parties under article 19 of the Convention (continued)

Organizational and other matters (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-11991/3134B

The meeting was called to order at 3 p.m.

ACTION BY THE GENERAL ASSEMBLY AT ITS FORTY-FIFTH SESSION (agenda item 9)

(a) ANNUAL REPORT SUBMITTED BY THE COMMITTEE UNDER ARTICLE 24 OF THE CONVENTION

1. The CHAIRMAN said that the secretariat had prepared an informal note dated 21 March 1991, entitled "Action taken by the General Assembly at its forty-fifth session", summarizing the views expressed by various delegations in the Third Committee of the General Assembly at its thirty-fifth to forty-second meetings from 7 to 9 November and from 12 to 14 November 1990 (A/C.3/45/SR.35 to SR.42) on the work of the Committee against Torture.

2. At those meetings, the representatives of Australia and Bulgaria had raised the question of financial resources relating to the Convention and, in particular, the possibility of meeting all treaty body costs from the United Nations regular budget. The representative of Algeria had expressed the view that the annual reports of the Committee should receive wider publicity. Close contacts and exchanges of information between the Committee and the Special Rapporteur of the Commission on Human Rights on questions relating to torture had been encouraged by the representatives of Bulgaria, Italy, speaking on behalf of the 12 members of the European Community, and the Philippines. The representative of Bulgaria, inter alia, had welcomed the critical spirit in which the Committee had examined the legal aspects of the implementation of the Convention in national legislation and its clear view of the practical aspects of the prevention of torture. The representative of China had stated that the Committee should consider reports by States parties in a serious and impartial manner and in strict compliance with the provisions of the Convention; and the representative of the Netherlands had referred to conclusions of the Committee on individual communications which had been declared inadmissible because the laws in question had been enacted before the Convention had entered into force.

3. With regard to the latter statement, he noted that what the Committee had actually said was that, in the case of Argentina, the acts in question had occurred before the entry into force of the Convention. He also drew the attention of the members of the Committee to Commission on Human Rights resolutions 1991/35 and 1991/38 (E/CN.4/1991/L.11/Add.3) and to General Assembly resolution 45/142 on the report of the Committee against Torture and the status of the Convention.

4. Referring to the view that the work of the Committee should be given wider publicity, he asked whether there was anything the secretariat could do to further that aim.

5. Mr. HOUSHMAND (Representative of the Secretary-General) said that the Centre for Human Rights was currently making arrangements with United Nations information offices around the world with a view to ensuring that the documentation of the treaty bodies, including their final reports to the General Assembly, should be given the widest possible distribution, as

recommended in paragraph 69 of the report of the third meeting of persons chairing the human rights treaty bodies (A/45/636). In addition, various publications and fact sheets on the work of specific treaty bodies were under preparation or had recently been issued.

6. Ms. CHANET welcomed the information provided by Mr. Houshmand. The dissemination of reports was a problem that needed to be dealt with by all the human rights committees. The format of the reports was such as to make them inaccessible to the layman unaccustomed to the United Nations system. Perhaps the World Conference on Human Rights would provide an incentive for ensuring that documentation was presented in a more attractive way.

7. The CHAIRMAN said that he himself had always found the Committee's reports too long and somewhat indigestible. None the less, they followed the customary United Nations format, which it was not in the Committee's power to change. The Committee had taken note of the views expressed by the General Assembly regarding its work and hoped that the General Assembly would take àction to secure the implementation of the recommendation by the Australian representative in the Third Committee concerning the funding of the human rights bodies.

(b) WORLD CONFERENCE ON HUMAN RIGHTS

8. Mr. HOUSHMAND (Representative of the Secretary-General) said that General Assembly resolution 45/155 set forth the guidelines on the basis of which the agenda for the World Conference on Human Rights could be drawn up and established a Preparatory Committee for the Conference with a mandate to make proposals on its agenda, date, duration, venue, and participation, for consideration by the General Assembly. The first meeting of the Preparatory Committee would be held in Geneva from 9 to 13 September 1991. Resolution 45/155 also invited the expert bodies, and in particular the treaty monitoring bodies, to appoint either their chairmen or other members to participate in the activities of and make recommendations to the Preparatory Committee of the World Conference. The Committee against Torture should therefore appoint members to represent it in the Preparatory Committee. It should also be decided to what extent the Committee against Torture could contribute to the preparatory work for the Conference.

9. Mr. DIPANDA MOUELLE, supported by Mr. KHITRIN, Mr. BURNS and Mr. MIKHAILOV, proposed that the Chairman should be appointed to represent the Committee at the meeting of the Preparatory Committee.

10. Mr. SORENSEN supported that proposal. He pointed out that paragraph 67 of the report of the third meeting of persons chairing the human rights bodies (A/45/636) recommended that individual experts should prepare a detailed evaluation of the work of each of the treaty bodies as part of the background documentation for the Conference. The Committee should thus also give some thought to that task.

11. The CHAIRMAN thanked members of the Committee for the confidence they had expressed in him and took note of the need to prepare a document on the the Committee's work.

12. Mr. HOUSHMAND (Representative of the Secretary-General), replying to questions by the Chairman and by Mr. Mikhailov, confirmed that the Committee was entitled to appoint two representatives if it so wished.

13. Mr. MIKHAILOV, supported by Mr. DIPANDA MOUELLE and Ms. DIAZ PALACIOS, proposed that Ms. Chanet should be appointed to represent the Committee, together with the Chairman, at the first meeting of the Preparatory Committee on the World Conference on Human Rights.

14. It was so decided.

(c) EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (A/45/636, annex)

15. The CHAIRMAN drew attention to General Assembly resolution 45/85 relating to the effective implementation of international instruments on human rights, the main provisions of which were summarized in the informal note prepared by the secretariat for the Committee's benefit, as were the relevant recommendations of the Third Committee. He reminded the members of the Committee that he had attended the first two meetings of persons chairing the human rights treaty bodies in 1988 and 1990 and had reported orally to the Committee on those meetings at its November 1990 session. The report of the third meeting was now available as document A/45/636. He invited the members to make comments that might assist the chairpersons at their next meeting in 1992.

16. Mr. SORENSEN, referring to the recommendation on the financing of the treaty bodies from the United Nations regular budget, as contained in paragraph 53 of document A/45/636, said that, if Member States were to be asked to become involved in the activities of a committee that might be critical of their systems, it might be unrealistic to require them to pay contributions. That was one further reason for financing the Committee's activities from the regular budget. With regard to the question of overdue country reports, he wondered whether the "appropriate" means referred to in paragraph 51 of document A/45/636 might include informing States parties that, if a report was more than two years overdue, the Committee would deal with the problems of the implementation of the Convention by other means.

17. Mr. BURNS said that he could understand Mr. Sorensen's concern and desire to apply some sort of sanctions, but thought that it would be inappropriate for the Committee unilaterally to take the action suggested.

18. Mr. KHITRIN agreed that a large number of countries had failed to fulfil their obligations, but thought that it was not possible for the Committee to bring pressure to bear on Member States. In his opinion, the Committee could not try through the use of sanctions to force States parties to submit reports.

19. Ms. DIAZ PALACIOS suggested that the Committee might bring pressure to bear on such States by publicizing the fact at press conferences that they had failed to meet the deadline for the submission of their reports.

20. The CHAIRMAN said that he supported the suggestion by Ms. Diaz Palacios.

21. Mr. SORENSEN noted that some national United Nations information centres were not fully acquainted with the Committee's activities and he therefore suggested that press releases should be sent to them.

22. Mr. HOUSHMAND (Representative of the Secretary-General) said that what Mr. Sorensen was suggesting was done automatically by the Department of Public Information. The United Nations information centres around the world were branch offices of the Department and the press releases prepared by press officers at various meetings were automatically sent by the Department to those centres. It might be possible to instruct the centres to arrange to have the press releases reproduced and distributed at the national and local levels.

23. The other treaty bodies also faced the problem of the need for wider publicity in trying to draw the attention of Member States to the situation of compliance or non-compliance by States parties with their reporting obligations. Sometimes, in addition to including in their annual reports to the General Assembly a list of the States which had not submitted their periodic reports, the treaty bodies designated their own members to establish personal contact with the representatives of the States concerned in order to impress on them the importance of urging their Government to take steps to prepare the reports to be submitted.

24. As was known, on several occasions, the Centre for Human Rights had organized information campaigns, training courses and workshops and every opportunity was taken to make the participants aware of the importance of the implementation measures adopted under the various treaties and of the reporting obligations of States parties. Training courses were also organized from time to time for Government officials appointed by their Government to prepare reports to treaty bodies within the United Nations system.

25. In that connection, he said that the Committee on the Elimination of Racial Discrimination, which had the largest number of overdue reports, had decided at its most recent session to resume consideration at its August 1991 session of earlier reports of a number of countries which had since failed to comply with their reporting obligations. In the meantime, the secretariat had been requested to invite the States concerned to submit updated information by a certain date and to invite their representatives to attend the Committee's meetings in order to discuss issues relating to the implementation of the Convention in those States. The fact that the Committee had decided to resume consideration of older reports was tantamount to bringing pressure to bear on the reporting States, since the information relating to those States would be discussed on the basis of previous information made available to the Committee.

26. Mr. BURNS said that the Committee should adopt Ms. Diaz Palacios's suggestion and hoped that, by persuasion rather than sanctions, it would be able to induce States to comply with the terms of the Convention.

27. Mr. HOUSHMAND (Representative of the Secretary-General), replying to a point raised by Mr. Perlas concerning the need for briefing newly elected members of treaty bodies, said it was hoped that the members of the newly established Committee on the Rights of the Child could be brought to Geneva informally in the latter part of May 1991 for the purpose of briefing them before that Committee's first session, scheduled to be convened in September.

28. In the case of Committees that had been functioning for a number of years, new members were usually briefed on an informal basis by senior members. It had not been possible to make any structural arrangements for the purpose of institutionalizing such briefings, but the secretariat would prepare a comprehensive file for new members in order to enable them to be fully informed of the work of the Committee concerned.

29. Mr. PERLAS said that, in fact, the members of the Committee had been very helpful in briefing him about the Committee's work and he expressed his gratitude to them.

30. The CHAIRMAN recalled that the persons chairing the human rights treaty bodies had recommended that the members of each Committee should receive the reports of the other Committees and that it might be useful for each Committee to appoint members to establish contacts with each of the other Committees. He would welcome information from the secretariat concerning those recommendations.

31. Mr. HOUSHMAND (Representative of the Secretary-General) said that the secretariat had all the reports of the various treaty bodies and could distribute any documents or reports of a treaty body on a regular and systematic basis to members of the Committee.

32. The recommendation that members should be appointed as liaison officers to follow the activities of other treaty bodies was a useful one and the Committee on the Elimination of Racial Discrimination had already taken a decision along those lines by appointing one or two of its members to follow the work of the Committee against Torture. In his opinion, it would be very helpful if all the treaty bodies appointed such members. The secretariat would, of course, assist them by making the necessary documentation and information available to them.

33. Ms. CHANET said that it was not essential to have all the documents of the other Committees, but it would be useful to receive the annual reports of the Human Rights Committee.

34. The CHAIRMAN suggested that Mr. Houshmand might make arrangements for the Committee to receive the annual reports of the Human Rights Committee automatically and those of other treaty bodies on request.

35. Ms. CHANET said that a member of the Committee on the Elimination of Racial Discrimination had already contacted her about liaison between the two Committees. Such liaison seemed a good idea, but flexibility was essential.

36. Mr. SORENSEN said that, if all members received the reports of all the other human rights committees, no one would read any of them. He suggested that all members should receive the report of the Human Rights Committee and that, in addition, each member should choose one of the other Committees and study its report in detail.

37. The CHAIRMAN suggested that Ms. Chanet should be responsible for liaison with the Human Rights Committee, although all the members would receive its report.

38. Mr. SORENSEN suggested that it might be quicker if the Chairman and the Secretary of the Committee drew up a draft list of members to take responsibility for liaison with other Committees.

39. It was so decided.

40. Mr. SORENSEN, referring to the question of training for new members of the Committee, said that the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment set aside time for such training, although it included some subjects, such as how to conduct a prison visit, which did not concern the Committee against Torture. If several new members joined the Committee at once, the Committee might set aside one or two hours for a general introduction to its work and the concept of torture.

41. Ms. DIAZ PALACIOS said that any exchange of contacts and information would be greatly assisted by computerization of all United Nations human rights work. It would be much simpler, for instance, if members could consult a data bank in order to study the reports submitted by a State party to other human rights committees.

42. Mr. HOUSHMAND (Representative of the Secretary-General) said that computerization was, of course, the real answer to the problems of coordination between the human rights committees. A task force had recommended that, as an initial step, the information relating to the treaty monitoring bodies should be entered in a data bank. States parties would be asked for voluntary contributions to finance the computer hardware and initial training and the small annual running cost would be met from the regular budget. That proposal was now awaiting approval by the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee of the General Assembly and it was hoped that it would be included in the budget for the biennium 1992/93. There were plans to computerize the rest of the United Nations human rights system in due course.

(d) CONSOLIDATED GUIDELINES FOR THE INITIAL PART OF THE REPORT OF STATES PARTIES (CAT/C/4/Rev.1; CAT/C/L.5; A/45/636, appendix)

43. Mr. BRUNI (Secretary of the Committee) recalled that the Committee had considered the draft consolidated guidelines (CAT/C/L.5) at its fourth session and adopted them, with minor amendments. The consolidated guidelines had now been adopted by the General Assembly (A/45/636, appendix). Accordingly, the Committee should amend its own general guidelines for the preparation of initial reports (CAT/C/4/Rev.1) by deleting part I, paragraphs (c) and (e), which were already covered by the consolidated guidelines.

44. It was so decided.

45. The CHAIRMAN said that the Committee had now concluded its consideration of agenda item 9.

The meeting was suspended at 4.45 p.m. and resumed at 5 p.m.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (continued)

Draft general guidelines regarding the form and contents of periodic reports

46. The CHAIRMAN invited the Committee to consider the draft general guidelines contained in document CAT/C/Misc.7, which read:

"Note by the Chairman

DRAFT GENERAL GUIDELINES REGARDING THE FORM AND CONTENTS OF PERIODIC REPORTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLE 19, PARAGRAPH 1, OF THE CONVENTION

1. Under article 19, paragraph 1, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 'the States Parties shall submit to the Committee against Torture, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under the Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request'.

2. The general guidelines for the submission of periodic reports appearing below would assist the Committee to fulfil the tasks entrusted to it pursuant to article 19 of the Convention.

3. Periodic reports by States parties should be presented in two parts, as follows:

- Part I: Information on any new measures taken to implement the Convention

(a) This part should describe in detail any new measures taken by the State party to implement the Convention during the period extending from the date of submission of its previous report to the date of submission of the periodic report to be considered by the Committee.

(b) The information on any new measures taken should be submitted by the State party in accordance with the sequence of articles 1 to 16 of the Convention and their respective provisions.

(c) The State party should provide, in particular, information concerning:

(i) any change in the legislation and in the institutions that affects the implementation of the Convention on any territory under its jurisdiction;

(ii) any new case law of relevance for the implementation of the Convention;

(iii) specific cases of torture as well as complaints, inquiries, indictments, proceedings, sentences, reparation and compensation for acts of torture and other cruel, inhuman or degrading treatment or punishment;

(iv) any difficulty which would prevent a State party from discharging the obligations which it has assumed under the Convention.

- Part II: Additional information requested by the Committee

This part should contain any information requested by the Committee during its consideration of the preceding report by the State party, unless it has been provided by the representatives of the Government of the State party, either in a subsequent communication by the Government or in an additional report which the Government has presented in accordance with rule 67, paragraph 2, of the rules of procedure of the Committee.".

47. Mr. SORENSEN said that he supported the draft general guidelines, but thought that it was very important to mention specifically the education and training given to law enforcement officers. Such a reference could be included in paragraph 3 (c) (i), which dealt with changes in legislation and institutions.

48. Ms. DIAZ PALACIOS suggested that a specific reference to prisons should be included in the same paragraph.

49. Mr. SORENSEN pointed out that a specific reference to prisons would exclude police stations, where most acts of torture occurred.

50. The CHAIRMAN, supported by Mr. DIPANDA MOUELLE, suggested that the words "detention centres" would cover both prisons and police stations.

51. Ms. CHANET, said that she endorsed the draft general guidelines, but pointed out that paragraphs 2 (a) and (b) asked for general information on "any new measures taken", while paragraph 3 (c) requested specific information on legislation, case law and cases of torture. Surely it would be better to reverse the two paragraphs, asking for specific information first and any other general information afterwards.

52. The CHAIRMAN said that paragraph 3 (a) called for information about "new measures", while paragraph 3 (c) (iii) referred to "specific cases", which was not the same thing. Perhaps paragraph 3 (a) should be amended to include both.

53. He suggested that a new draft of the guidelines should be prepared on the basis of the members' comments and considered at a later meeting.

54. It was so decided.

ORGANIZATIONAL AND OTHER MATTERS (continued)

55. The CHAIRMAN said that two new reports had been submitted for consideration by the Committee, namely, the reports of Australia and Bulgaria. He informed the Committee that Mr. Burns and Mr. Perlas and Mr. Khitrin and Ms. Chanet had offered to act as Country Rapporteurs and Alternate Country Rapporteurs for the reports of Australia and Bulgaria, respectively.

The meeting rose at 5.20 p.m.

UNITED
NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/SR.83
10 June 1991

ENGLISH
Original: FRENCH

COMMITTEE AGAINST TORTURE

Sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 83rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 29 April 1991, at 10 a.m.

Chairman: Mr. VOYAME

CONTENTS

Organizational and other matters (continued)

* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.83/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-11995/0401H

The meeting was called to order at 10.05 a.m.

1. The CHAIRMAN welcomed Mr. Gil Lavedra, who had been unable to be present during the first week of the current session, and announced that the Under-Secretary-General for Human Rights would address the Committee at 3 p.m. that afternoon.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

Consideration of information and communications received under articles 20 and 22 of the Convention

2. Mr. BRUNI (Secretary of the Committee) said that the documentation relating to the information and communications submitted to the Committee for consideration under articles 20 and 22 of the Convention was not yet available in all the Committee's working languages. It would thus be preferable to postpone discussion of those matters to the following day.

3. Mr. BURNS deplored the fact that the Committee's work was constantly delayed by problems associated with the translation of documents. That seriously jeopardized the Committee's efficiency.

4. Mr. DIPANDA MOUELLE asked whether the members of the Committee might consider discussing the information and communications under articles 20 and 22 of the Convention on the basis of the texts available in English and in French and with simultaneous interpretation into the other languages.

5. Mr. BURNS said that the Spanish-speaking and Russian-speaking members of the Committee should not be placed at a disadvantage.

6. Ms. DIAZ PALACIOS said that, as a Spanish-speaking member of the Committee, she found Mr. Dipanda Mouelle's proposal acceptable, since the texts to be considered were very short.

7. Mr. GIL LAVEDRA said that he agreed with the proposal.

8. Mr. KHITRIN said that, although the Committee's four working languages were equally important, he was prepared to make an exception and work on the basis of the texts available, provided that the discussions were broken off if there was the slightest risk of misunderstanding.

9. The CHAIRMAN accepted that condition and said that it would be fully respected. The information and communications submitted under articles 20 and 22 of the Convention would accordingly be discussed in a closed meeting immediately after the current meeting.

Appointment of members of the Committee to monitor the work of the other human rights treaty bodies

10. The CHAIRMAN said that, at the conclusion of their third meeting, the persons chairing the human rights treaty bodies had recommended in their report(A/45/636, annex) that several members should be appointed in each Committee, each of whom should be responsible for following as closely as possible the developments in one of the other treaty bodies and reporting thereon to his or her Committee.

11. Following an exchange of views between members, it was agreed that Mr. Burns would liaise with the Committee on Economic, Social and Cultural Rights, Ms. Chanet with the Human Rights Committee, Mr. Dipanda Mouelle with the Committee on the Elimination of Racial Discrimination, Mr. Sørensen with the Committee on the Rights of the Child, and the Chairman with the Committee on the Elimination of Discrimination against Women.

12. Mrs. KLEIN-BIDMON (Representative of the Secretary-General), replying to a question by Mr. Khitrin, said that the composition of the group of three members appointed pursuant to the International Convention on the Suppression and Punishment of the Crime of Apartheid was renewed every two years and that it was not therefore possible to foresee in what language its work would be conducted at its next meeting. In any case, the Group's reports were issued in its four official working languages.

13. Mr. KHITRIN agreed to liaise with the Group of Three.

14. The CHAIRMAN expressed the hope that the secretariat would transmit the reports of the various bodies in question to the Committee against Torture and that it would send the relevant reports to each member of the Committee responsible for monitoring the work of a treaty body.

Consideration of the draft amendment to rule 64 of the rules of procedure proposed by Mr. Mikhailov

15. Mr. BRUNI (Secretary of the Committee) read out the proposal by Mr. Mikhailov for the addition to rule 64 of the rules of procedure of a third paragraph, which would read: "The Committee may appoint for each State party a rapporteur and an alternate rapporteur, who may visit the country concerned in order to study the practical problems of implementation of the Convention and to propose appropriate forms of systematic assistance in the preparation of the country report; the missions by the rapporteur and the alternate rapporteur shall qualify for a subsistence allowance from the State concerned, payable through the intermediary of the United Nations Secretariat in Geneva."

16. Mr. BURNS said that, in the English version of the proposed new paragraph, the words "may appoint for each State party" were confusing, since they gave the impression that the Committee could decide on a case-by-case basis whether or not to appoint a rapporteur and an alternate rapporteur to consider the report submitted by a State party. It also seemed to him that the appointment of a rapporteur and an alternate rapporteur was now an established feature of the Committee's practice.

17. With regard to the second part of the paragraph, it was unclear whether it would be for the Committee to decide on the desirability of sending a rapporteur and an alternate rapporteur on mission or whether that decision should be taken by the rapporteurs concerned.

18. Mr. MIKHAILOV said that the purpose of the proposed new paragraph to be added to rule 64 of the rules of procedure was to indicate that the Committee would appoint a rapporteur and an alternate rapporteur whenever a State party submitted a report. Although that procedure had already become part of the Committee's established practice, in his opinion, the time had come to provide

for it specifically in the rules of procedure. As for the visit that the rapporteur and alternate rapporteur might make to a given country, it went without saying that the mission would take place only if the State concerned had so requested and if the Committee considered it to be necessary.

19. He also wished to clarify the last phrase of the paragraph. In his view, the rapporteur and alternate rapporteur appointed to examine the report submitted by a State party should also be in a position to offer it assistance and advice in the preparation of a supplementary report when the initial report had been deemed insufficient by the Committee and to help it to solve the problems it encountered in the practical implementation of the Convention's provisions. As to the clause stipulating that the State party should bear the travel costs of the rapporteur and alternate rapporteur, he said that that possibility should not be provided for in rule 64 of the rules of procedure, but should instead be the subject of a decision by the Committee.

20. Mr. SØRENSEN said that he was not sure about the meaning of the first part of the proposed paragraph 3, which implied that the Committee was to appoint a rapporteur and an alternate rapporteur for each State party to the Convention, whether or not that State had submitted a report under article 19. In his view, the Committee would be going beyond its mandate by requiring a rapporteur and an alternate rapporteur to visit the 55 States that had ratified the Convention. If, on the other hand, the aim was to assist States parties whose initial report contained serious shortcomings in order to ensure that their supplementary report would meet the Committee's requirements, then the wording of the paragraph should be clarified accordingly.

21. Ms. CHANET welcomed Mr. Mikhailov's proposal, which testified to the constant concern of the members of the Committee to improve their working methods. She supported the idea that the rules of procedure should provide for the appointment of a rapporteur and an alternate rapporteur to consider the reports submitted by States parties, on the condition that the members of the Committee had first come to an agreement on a precise definition of their duties and functions.

22. With regard to sending the rapporteur and the alternate rapporteur on mission to the country whose report they had been appointed to consider, she referred to the comments already made by members concerning the draft optional protocol to the Convention, which stressed the need to adopt a stricter procedure in order to combat torture more effectively. The question was whether the Committee's rules of procedure should contain a provision akin to the inquiry provided for in article 20 of the Convention, which would be tantamount to imposing a new obligation on the State party. It would be better for States parties which encountered difficulties in the preparation of their reports to request, as they had already done in the past, assistance from the advisory services established for that purpose.

23. She also did not think it desirable to impose such visits on members of the Committee, still less on the rapporteur and the alternate rapporteur, whose mandate was to consider the information submitted by a State party and who needed to keep themselves at a distance in order to perform their duties impartially and objectively. It was nevertheless possible that some members

of the Committee might advise the authorities of some States parties or even visit the countries concerned, provided that those technical assistance missions were dissociated from the procedure for the consideration of the reports submitted by States parties.

24. Mr. PERLAS said that it was not clear from the proposed new paragraph whether the countries concerned were to be visited by the rapporteur and the alternate rapporteur before or after submitting their initial report. If the visit was to follow the submission of the initial report, it might be better to amend rule 67 of the rules of procedure relating to the furnishing of additional reports.

25. Mr. BURNS said that he shared Ms. Chanet's reservations about the current wording of the proposed paragraph, the effect of which would be to impose a further obligation on States parties. He recalled that the members of the Committee had judicial, administrative and executive functions which they were obliged to perform impartially and objectively in their capacity as independent experts and he took the view that any participation by the rapporteur or the alternate rapporteur in the preparation of the report of a State party which they might be called upon to consider was to be avoided, since it would patently compromise their impartiality.

26. On the other hand, he saw no reason why countries experiencing difficulties in drafting their reports should not approach the Chairman of the Committee or the advisory services with a request for technical assistance. As an independent expert, he was ready to give advice to any State requesting it. The Committee might even offer to assist States parties that were late in submitting their reports or to organize missions to those countries, provided that the rapporteur or the alternate rapporteur appointed for the State in question did not participate in the mission.

27. Mr. SØRENSEN said that he was concerned that the draft amendment might give to the rapporteur and the alternate rapporteur the possibility of visiting a country in order to study the specific problems posed by the implementation of the Convention, since that would, in his opinion, go beyond the Committee's mandate, as set forth, inter alia, in article 20 of the Convention. As Mr. Burns had pointed out, the rapporteur and the alternate rapporteur must show the utmost rigour in the consideration of the report submitted by a State party. Only after hearing their comments could the Committee consider offering its assistance to the State party in the preparation of an additional report.

28. Ms. DIAZ PALACIOS welcomed the draft amendment which had been proposed by Mr. Mikhailov and would institutionalize the functions of the rapporteur and alternate rapporteur appointed to consider the report of a State party. The new procedure, which the Committee had already put into practice, contributed to the effectiveness of its work and to the clarity of its discussions. However, it was not desirable that the rapporteur should become both judge and party with regard to a report that he was supposed to study fairly, impartially and objectively.

29. The purpose of the second part of the draft amendment was to enable States parties to submit more competently drafted reports, an aim that coincided with that of the note presented by the Chairman on the subject of the general guidelines concerning the form and content of the additional

reports that States parties had to submit under article 19, paragraph 1, of the Convention. It would therefore be wise to add to rule 64 of the rules of procedure an exact definition of the functions of the rapporteur and alternate rapporteur appointed to consider the report of a State party and to include Mr. Mikhailov's proposals on the drafting of reports in the note by the Chairman. States parties that so wished could then be guided and advised on the best methodology to adopt, without members of the Committee having to undertake missions, which would, in her view, lead to their exceeding their mandate.

30. The CHAIRMAN said that he also supported the proposal to add a new paragraph to rule 64 of the rules of procedure specifying that the Committee should entrust the consideration of each report submitted by a State party to a rapporteur and an alternate rapporteur specifically appointed for that purpose. However, as other members had already pointed out, to oblige a State party to accept a visit from the rapporteur and the alternate rapporteur would be tantamount to imposing an additional obligation on it.

31. With regard to the technical assistance that the Committee might offer to States parties, the Chairman proposed that members should either wait for the State concerned to request such assistance or else take the initiative by offering it to those States that had fallen furthest behind in submission of their reports.

32. He nevertheless shared the concern expressed by Ms. Chanet, Ms. Díaz Palacios and Mr. Burns with regard to involving the rapporteur and the alternate rapporteur, even at a considerable remove, in the preparation of the report they would subsequently be called upon to consider and, like Mr. Sørensen, he took the view that the Committee must be careful not to go beyond its mandate by taking action not provided for in articles 20 and 22 of the Convention.

33. With regard to the mission expenses of members visiting a country, it had to be borne in mind that the States parties which needed assistance were usually poor countries for which the cost of such a mission would be a heavy burden. The cost of the missions should therefore be charged to the regular human rights budget.

34. Lastly, he supported the comments by Ms. Chanet and Mr. Burns on the role of the advisory services established to furnish technical assistance in the field of human rights to States requesting it. Symposia might be held at the country level to assist them in fulfilling their obligations under the Convention, particularly with regard to the submission of reports; members of the Committee might take part in the symposia, provided that they then adopted a more reserved position during the discussion of the report they had helped to prepare.

35. Mr. MIKHAILOV said he took it that the members supported his proposal for the addition to rule 64 of the rules of procedure of a paragraph 3 on the appointment of a rapporteur and an alternate rapporteur to consider the report of a State party.

36. With regard to the proposed visits, he intended to reword the text of his draft amendment so as to specify that the rapporteur and alternate rapporteur would be able to visit a country only after considering the initial report of the State concerned and formulating their observations.

37. He was nevertheless still of the opinion that the State party should bear the costs of a mission it had requested and should refrain from requesting such assistance if it was unable to meet those costs.

38. The CHAIRMAN said that assistance in the field of human rights was already provided through the advisory services of the United Nations, which might, in turn, have recourse to members of the Committee other than the rapporteur and the alternate rapporteur directly involved. That solution would also solve the problem of costs, which were dealt with in the second part of Mr. Mikhailov's proposal and would be met from the United Nations regular budget.

39. Mr. BURNS said that Mr. Mikhailov's idea of offering assistance to States parties or inviting them to request the Committee's assistance was interesting, provided that the Committee's independence was not compromised. It was also important not to overlook the question of the experts' knowledge of languages, which to a considerable extent determined the choice of the rapporteur and alternate rapporteur. If the latter were to be excluded from the assistance given to a State party, the language field would be still further narrowed. It should also be specified whether the rapporteur and the alternate rapporteur appointed for the initial report would act as rapporteurs for subsequent reports.

40. Mr. SØRENSEN proposed that the consideration of the amendments to the rules of procedure should be postponed until the next meeting. The Committee would then have the text of the proposed amendments in all working languages.

41. The CHAIRMAN asked Mr. Mikhailov whether his proposal was that assistance should be provided following the discussion of the initial report. If so, what would happen in the case of States parties that had not yet submitted their initial report and that were very behindhand in submitting it? Should not those countries also be offered assistance?

42. Mr. MIKHAILOV said he agreed with Mr. Sørensen, Mr. Burns and Ms. Chanet that assistance should be provided only after consideration of the initial report or during the preparation of that report, at the request of the State party concerned.

43. Mr. BURNS said that it was important not to lose sight of Mr. Mikhailov's initial intention and that assistance must be provided to States parties encountering difficulties in the preparation of their reports, although the Committee must not exceed its mandate in providing such assistance.

44. Mr. GIL LAVEDRA said that he was not clear on what points agreement had been reached and that a number of the points raised had little bearing on the initial proposal. He therefore proposed that the various questions raised should be reconsidered one by one.

45. Mr. KHITRIN said that it would be useful if Mr. Mikhailov summarized the main points of his proposal to enable the Committee to take a decision on the matter at a subsequent meeting.

46. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that the submission of inadequate reports or delays in the drafting of reports were problems encountered by all the treaty bodies. The Human Rights Committee, for example, had urged States to submit their reports that were due and had offered them technical assistance in preparing those reports. The Committee on Economic, Social and Cultural Rights had suggested sending notes verbales to States whose reports were very overdue. The Committee on the Elimination of Racial Discrimination had decided, at its latest session in March 1991, to offer technical assistance in the framework of the advisory services of the Centre for Human Rights, by sending, where necessary, experts to the countries concerned. Moreover, the General Assembly and the Commission on Human Rights had for a very long time been requesting the treaty bodies to draw up technical assistance projects to help countries comply with the requirements laid down in the international instruments and prepare their periodic reports. At their last meeting, the persons chairing the treaty bodies had also requested that technical assistance to States should be increased. In addition, the advisory services of the Centre for Human Rights included a voluntary fund for technical assistance.

47. Ms. CHANET said that the decision taken by the Committee on the Elimination of Racial Discrimination showed the approach to be taken and that the Committee against Torture should imitate that example by placing its experience at the disposal of the Centre for Human Rights. It would no doubt also be useful for the Committee, like the Human Rights Committee, to draft procedures providing not only for the sending of notes verbales, but also for meetings with representatives of the countries whose reports were late.

48. Mr. SØRENSEN said that, unlike Mr. Khitrin, he did not think that there was any need to decide at the current session on possible amendments to the rules of procedure and that a decision should be deferred until the secretariat had drafted proposals that could be considered in all working languages at the next session.

49. The CHAIRMAN, speaking as a member of the Committee, said that the question of providing specifically in the rules of procedure for a rapporteur and an alternate rapporteur had to be dissociated from the question of technical assistance. While the first point no longer posed a problem, the second had still to be settled in the case of the Committee.

50. The procedures suggested by Ms. Chanet for obtaining reports from States parties were worth considering. In that connection, personal contacts with the missions of States parties would no doubt prove both very effective and highly instructive. It was during those contacts that the Committee would be able to propose assistance, in a form that had still to be decided. The Committee might base itself on the practice of the Committee on the Elimination of Racial Discrimination, which was to inform the Secretary-General that some of its members were ready to place their skills at the disposal of the Centre for Human Rights, either in the form of written recommendations or by visiting the country or region concerned. The question

whether or not to make the rapporteur and the alternate rapporteur responsible for that assistance was one that should probably be settled on a case-by-case basis, although it did seem desirable that assistance activities should be entrusted to the rapporteurs only in the last resort. In that connection, he considered that the experts' knowledge of languages was not a significant consideration, since, in most cases, they would be accompanied by interpreters.

51. Lastly, with regard to procedure, the Chairman, speaking on behalf of the Committee, said that it would come back at one of its subsequent sessions to the idea of adding to the rules of procedure in order to refer to the practice now followed by the Committee in its consideration of reports.

The public meeting rose at noon.

UNITED
NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/SR.84
2 May 1991

Original: ENGLISH

COMMITTEE AGAINST TORTURE

Sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 84th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 29 April 1991, at 3 p.m.

Chairman: Mr. VOYAME

CONTENTS

Statement by the Under-Secretary-General for Human Rights

* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.84/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-12023/0138H

The meeting was called to order at 3.10 p.m.

STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

1. Mr. MARTENSON (Under-Secretary-General for Human Rights) informed the Committee that, at its forty-fifth session, the General Assembly had adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The committee to be established under that Convention after its entry into force, which would require 20 ratifications, would initially consist of 10 members, increasing to 14 after 41 ratifications. The committee would be entrusted with functions similar to those of other treaty bodies, including the Committee against Torture, such as the consideration of reports from States parties and inter-State or individual communications.

2. The Committee would recall that he had informed it at its last session of the entry into force on 2 September 1990 of the Convention on the Rights of the Child and of the fact that the ratification process relating to that instrument had been proceeding at a pace beyond the most optimistic expectations. That positive trend had continued in recent months and the number of ratifications in the period October 1990 to March 1991 had risen from 53 to 78.

3. It also gave him satisfaction to be able to report that, in resolution 45/155, the General Assembly had given its final approval to the convening of a World Conference on Human Rights in 1993. As established by the General Assembly, the main purposes of the Conference would be to review and assess the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights; to examine the relationship between development and the enjoyment by everyone of economic, social and cultural rights, as well as civil and political rights; and to evaluate the effectiveness of United Nations human rights activities and mechanisms in order to improve them and to improve the implementation of existing human rights standards and instruments.

4. The Preparatory Committee of the Conference would be meeting for the first time in Geneva during the second week of September 1991 and the General Assembly had encouraged the chairmen or other designated members of human rights expert bodies to take part in the work of the Preparatory Committee. It was clear that the success of the Conference would depend in large measure on the care with which the preparatory activities were carried out. Having been designated as the Secretary-General of the World Conference, he himself would be devoting a great deal of energy in the coming months to its preparation.

5. The Assembly had asked for the involvement of a wide spectrum of United Nations bodies in the preparations for the Conference and had encouraged the Chairman of the Commission on Human Rights, the chairmen or other designated members of human rights expert bodies and the rapporteurs and chairmen or designated members of working groups to take part in the work of the Preparatory Committee. It had also requested Governments, the specialized agencies, other international organizations, concerned United Nations bodies and regional and non-governmental organizations involved in human rights

to assist the Preparatory Committee and to undertake reviews, submit recommendations on the Conference and its preparation to the Preparatory Committee through the Secretary-General and participate actively in the Conference. The Committee against Torture might well wish to give its close consideration to that issue with a view to its own contribution.

6. In September 1990, the Secretary-General had convened the World Summit for Children in New York. The Heads of State or Government of 71 nations, joined by high-level representatives of another 88 countries, had adopted the Declaration and Plan of Action on the Survival, Protection and Development of Children and, subsequently, the General Assembly had urged all relevant organizations and bodies within the United Nations system to take into account the goals, strategies and recommendations of the Declaration and Plan of Action in carrying out their programmes. The Assembly had also called upon the Secretary-General to ensure the implementation and monitoring of that resolution by the relevant United Nations organs, organizations and bodies.

7. Pursuant to the Assembly's request, the documents of the Summit were being transmitted to each of the expert human rights treaty bodies, to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to special rapporteurs and working groups with the suggestion that they review their area of activities to determine how it was relevant to the survival, protection and development of the child and to ascertain how they could increase the impact of those activities on the promotion of the rights of the child. They dealt with a wide range of subjects relevant to a greater or lesser degree to the rights of the child and he encouraged them to refer to the situation of children in their reports and to explore such issues as equality and empowerment. The documents of the Summit would be made available to the Committee at the current session.

8. The Committee might also wish to note the standards adopted or approved by the General Assembly as a result of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

9. At its most recent session, the General Assembly had also thoroughly discussed issues relating to the effective implementation of international human rights instruments. In its resolution 45/85, the Assembly reiterated its earlier invitation to the treaty bodies to give priority attention to identifying possible technical assistance projects when reviewing the periodic reports of States parties. In addition, the Assembly had given its general endorsement to the conclusions and recommendations of the third meeting of persons chairing the human rights treaty bodies, held in Geneva in October 1990, and had decided to revert to those conclusions and recommendations at its next session in the light of the deliberations of the Commission on Human Rights at its forty-seventh session. The Commission's deliberations concerning a number of financial, legal and other questions relating to the functioning of treaty bodies were contained in its resolution 1991/20, which had been made available to the members of the Committee together with other resolutions relevant to the Committee's work.

10. Pursuant to the General Assembly's requests, the Secretary-General intended shortly to transmit the consolidated guidelines for the initial part of reports to all States parties, which would be requested to submit the required information and data to the secretariat in a "core document" by the

end of 1991. It would be recalled that the consolidated guidelines had been considered and approved by the Committee in April 1990 and the Committee might consider taking formal action to amend the existing reporting guidelines to reflect the introduction of the consolidated guidelines. In addition, the Manual on Reporting was currently being printed and would be circulated to States parties in the near future.

11. At their latest sessions, the General Assembly and the Commission on Human Rights had dealt specifically with the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under their relevant agenda items. In their resolutions on those issues, both the Assembly and the Commission reiterated their requests to all States to become parties to the Convention as a matter of priority and once again invited all States, upon ratification or accession to the Convention, or subsequently, to consider the possibility of making the declarations provided for in articles 21 and 22 of the Convention. The Commission on Human Rights had also requested its Special Rapporteur on questions relating to torture to continue to promote universal accession to the Convention and to encourage all States to fulfil its provisions strictly. In fact, a large number of States had not yet acceded to the Convention and only one State, Romania, had become a party to that instrument since November 1990.

12. During the debates on human rights issues in November 1990, the Third Committee of the General Assembly had also dealt with the Committee's activities and the relevant documentation was already available. In its resolution 45/142, the General Assembly welcomed the continuing close contacts and exchange of information, reports and documents between the Committee and the Special Rapporteur of the Commission on Human Rights on questions relating to torture.

13. The Third Committee had also considered the report of the Secretary-General on the activities of the United Nations Voluntary Fund for Victims of Torture established by the General Assembly in 1981. It might be noted from the report that the amount of contributions received by the Board of Trustees of the Fund was constantly growing, thereby enabling the Board to finance, in particular, therapy and rehabilitation projects for victims of torture throughout the world. Since it had begun operations in 1983, 198 grants totalling nearly $US 5,400,000 had been authorized for 118 projects.

14. As in the past, the focus of the Board's recommendations was on programmes providing direct medical, psychological, social or other assistance to torture victims and their families. The Board had also made recommendations for support for training programmes for health professionals of several countries on the techniques of treatment of victims of torture and for meetings of health professionals. Those projects were carried out in some 30 countries and benefited persons from many other countries. It was most encouraging that the recent meeting of the Board of Trustees had permitted a resumption of the exchange of views between the Board and the Committee, a practice which could usefully be extended to other areas of joint concern.

15. Issues relating to torture and other cruel, inhuman or degrading treatment or punishment had once again been discussed by the Commission on Human Rights at its 1991 session. The Special Rapporteur on questions relating to torture had submitted to the Commission a new comprehensive report on his activities. During the reporting period, the Special Rapporteur had continued to receive increasing numbers of requests for urgent action or information containing elements which, in his view, justified such urgent action. The requests had mainly concerned persons who were allegedly being subjected to torture or about whom fears had been expressed that they might be subjected to torture, usually while being held incommunicado in police or army custody, or during interrogation. The Special Rapporteur had brought 70 of those cases to the immediate attention of the Governments concerned. Correspondence concerning allegations of torture or ill-treatment had also been exchanged between the Special Rapporteur and more than 50 Governments.

16. In addition, the report contained detailed information on the Special Rapporteur's visit to the Philippines in October 1990. In his recommendations, many of which could also be found in his previous reports, the Special Rapporteur had emphasized certain practical measures that national authorities should adopt to fight effectively against torture, ranging from strict rules concerning detention and interrogation to regular inspections of places of detention and the establishment of specific recourse procedures for victims of torture. In its resolution 1991/38, the Commission on Human Rights supported the various recommendations made by the Special Rapporteur and once again considered it desirable that the Special Rapporteur should continue to have periodic consultations with the Committee against Torture, in particular with a view to establishing procedures for cooperation and avoiding any overlapping in the activities of the United Nations in combating torture.

17. He recalled that the Government of Costa Rica, basing itself largely on the work of the International Commission of Jurists, had submitted to the Commission on Human Rights in 1980 a draft optional protocol to the Convention against Torture providing for a system of periodic visits by a committee of experts to places of detention or imprisonment within the jurisdiction of States parties to the Convention. However, since the Convention itself had still been under elaboration at that time, it had been agreed by all concerned that consideration by the Commission of the draft protocol should be deferred until the Convention against Torture had been adopted.

18. The idea of an international system of periodic visits to places of detention or imprisonment had become a reality at the regional level in 1989, when the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had entered into force. In the meantime, the Government of Costa Rica, together with other Governments, non-governmental organizations and independent experts, had continued to pursue the idea of establishing a worldwide system and it was against that background that the Commission on Human Rights had decided to consider the question of the draft optional protocol to the Convention at its last session. In his report to the Commission, the Special Rapporteur on questions relating to torture had strongly supported the proposed system of visits to places of detention or imprisonment, expressing the view that the adoption of the draft optional protocol would encourage cooperation between individual Governments and the international community for the promotion of respect for human rights. The Commission on Human Rights had decided to consider the draft optional protocol at its next session in February 1992.

19. The Commission had also taken important decisions concerning the question of arbitrary detention. The Committee had often expressed concern about conditions of detention, especially detention which was not subject to judicial control and which might easily lead to practices of torture, and the Commission had therefore decided to create, for a three-year period, a working group composed of five independent experts with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with the international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned. The establishment of the working group was subject to the approval of the Economic and Social Council and its members would be appointed by the Chairman of the Commission on Human Rights after consultation with the Bureau.

20. Referring in conclusion to the activities of the Centre for Human Rights within its advisory services and technical cooperation programme, he said that, in those activities, the basic United Nations norms prohibiting torture were the focus of significant attention. At the invitation of the Government of India, the Centre had organized a national workshop on the rights of the child in December 1990 and had co-sponsored the World Congress for Human Rights, held in New Delhi in December 1990. In addition, a training course had recently been held by the Centre in San Remo on the implementation of international human rights instruments and the administration of justice for officials of French-speaking African countries; a further course would follow later in 1991 for officials from English-speaking African countries. Finally, a workshop had been organized by the Centre on Human Rights teaching for Portuguese-speaking countries in Lisbon. In the coming months, the Centre was planning to organize regional workshops and national training courses. In that connection, he pointed out that the Commission on Human Rights had invited the competent United Nations bodies, such as the Committee, to make suggestions and proposals for the implementation of advisory services.

The public meeting rose at 3.40 p.m.

UNITED
NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/SR.85
8 May 1991

Original: ENGLISH

COMMITTEE AGAINST TORTURE

Sixth session

SUMMARY RECORD OF THE 85th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 30 April 1991, at 3 p.m.

Chairman: Mr. VOYAME

CONTENTS

Submission of reports by States parties under article 19 of the Convention (continued)

Annual report of the Committee on its activities

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-12031/6145a

The meeting was called to order at 3.15 p.m.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 4) (continued)

Draft general guidelines regarding the form and contents of periodic reports (CAT/C(VI)/Misc.9)

1. The CHAIRMAN invited the Committee to consider the second draft of the general guidelines regarding the form and contents of periodic reports, which was contained in document CAT/C(VI)/Misc.9 and read:

"Note by the Chairman

DRAFT GENERAL GUIDELINES REGARDING THE FORM AND CONTENTS OF PERIODIC REPORTS TO BE SUBMITTED BY STATES PARTIES UNDER ARTICLE 19, PARAGRAPH 1, OF THE CONVENTION

1. Under article 19, paragraph 1, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 'the States parties shall submit to the Committee against Torture, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under the Convention, within one year after the entry into force of the Convention for the State party concerned. Thereafter the States parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request'.

2. The general guidelines for the submission of periodic reports appearing below would assist the Committee to fulfil the tasks entrusted to it pursuant to article 19 of the Convention.

3. Periodic reports by States parties should be presented in two parts, as follows:

Part I: Information on new measures and new developments relating to implementation of the Convention

(a) This part should describe in detail:

(i) Any new measures taken by the State party to implement the Convention during the period extending from the date of submission of its previous report to the date of submission of the periodic report to be considered by the Committee;

(ii) Any new developments which have occurred during the same period and are relevant to implementation of the Convention;

(b) The State party should provide, in particular, information concerning:

(i) Any change in the legislation and in institutions that affects the implementation of the Convention on any territory under its jurisdiction [in particular on places of detention and on training given to law enforcement personnel];

(ii) Any new case law of relevance for the implementation of the Convention;

(iii) Specific cases of torture, as well as complaints, inquiries, indictments, proceedings, sentences, reparation and compensation for acts of torture and other cruel, inhuman or degrading treatment or punishment;

(iv) Any difficulty which would prevent the State party from fully discharging the obligations it has assumed under the Convention;

(c) The State party should present the information referred to in the preceding paragraphs in the order of articles 1 to 16 of the Convention and their respective provisions.

Part II: Additional information requested by the Committee

This part should contain any information requested by the Committee during its consideration of the preceding report by the State party, unless it has been provided by the representatives of the Government of the State party, either in a subsequent communication by the Government or in an additional report which the Government has presented in accordance with rule 67, paragraph 2, of the Committee's rules of procedure."

2. A new subparagraph 3 (a) (ii) had been added, asking for details of any new developments relevant to the implementation of the Convention. Paragraphs 3 (b) and 3 (c) of the original draft had been reversed, so that the request that information should be presented in the order of articles 1 to 16 of the Convention, now came at the end.

3. The main changes had been made in paragraph 3 (b) (i). He still had some doubts about the request for additional information about places of detention and training for law enforcement personnel. No request of that kind was made in the Committee's guidelines for initial reports and its inclusion in the guidelines under consideration might cause confusion.

4. Mr. SORENSEN said that, in his opinion, the references to places of detention and training should be included in the text. It was true that they were not contained in the Committee's guidelines for initial reports, but it was precisely in those areas that the information supplied by States parties was often unsatisfactory.

5. He also suggested that the draft general guidelines should request information about the training of medical personnel. Perhaps the words "and other relevant categories of personnel, as indicated in article 10, paragraph 1, of the Convention" could be added at the end of paragraph 3 (b) (i). States parties often supplied information about the training given to law enforcement personnel, but rarely about that given to medical personnel.

6. The CHAIRMAN said that, as far as he knew, only doctors attached to law enforcement services received training relating to torture. That subject was not part of a doctor's ordinary training. Perhaps the words "law enforcement personnel" would cover both categories.

7. Mr. PERLAS suggested that it might be useful to ask whether medical students did, in fact, receive any training about torture during their undergraduate courses.

8. Ms. CHANET said that, in her opinion, medical personnel could not be subsumed under the category of law enforcement personnel, as the Chairman had suggested: the two groups were clearly distinguished in article 10, paragraph 1 of the Convention and the United Nations Code of Conduct for Law Enforcement Officials did not cover medical personnel.

9. The CHAIRMAN suggested that the reference to places of detention and training should be retained and that it should read: "... on any territory under its jurisdiction, in particular on places of detention and on training given to law enforcement and medical personnel".

10. Ms. CHANET suggested that the words "Specific cases of torture" at the beginning of paragraph 3 (b) (iii) should be deleted, since the words "acts of torture" were used later in the same paragraph.

11. The draft general guidelines regarding the form and content of periodic reports (CAT/C(VI)/Misc.9), as amended, were adopted.

Supplementary report of Cameroon

12. Mr. BRUNI (Secretary of the Committee) said that the Government of Cameroon had now submitted the additional report which the Committee had requested. It would be considered at the next session. The country rapporteur and alternate country rapporteur were Ms. Chanet and the Chairman.

ANNUAL REPORT OF THE COMMITTEE ON ITS ACTIVITIES (agenda item 10)
(CAT/C(VI)/CRP.1 and Add.4 to 9, CRP.2 and Add.1 and CRP.3 and Add.1)

13. The CHAIRMAN invited the members to consider the annual report of the Committee on its activities.

Chapter I. Organizational and other matters (CAT/C(VI)/CRP.1)

14. Document CAT/C(VI)/CRP.1 was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Spain (CAT/C(VI)/CRP.1/Add.4)

15. The CHAIRMAN pointed out that, according to paragraph 2, the additional report of Ecuador (CAT/C/7/Add.11) had been before the Committee at its sixth session. In fact, however, the Committee had not considered the report.

16. Mr. BRUNI (Secretary of the Committee) recalled that the Government of Ecuador had requested that the consideration of the additional report should be postponed until the Committee's next session. The Committee might wish to include a statement to that effect in the report.

17. It was so decided.

18. Mr. SORENSEN suggested that the names of the country rapporteurs and the alternate country rapporteurs should be indicated in paragraphs 1 and 2.

19. Mr. MIKHAILOV suggested that the names of the country rapporteur and alternate country rapporteur should be given in the part of the draft report dealing with the Committee's conclusions on each State party's report.

20. Mr. SORENSEN said that the conclusions were the work of the Committee as a whole, although it was the country rapporteur who delivered them. It was important not to give the impression that the conclusions were the opinion only of the country rapporteur.

21. The CHAIRMAN, supported by Mr. KHITRIN, suggested that the names of the country rapporteur and the alternate country rapporteur should be given in the first paragraph dealing with each State party's report.

22. It was so decided.

23. The CHAIRMAN suggested that paragraph 13 should be amended to read: "Members of the Committee observed that, in order to be classified as torture under Spanish law, it appeared from the report that ...". The words "members of the Committee" should be used throughout the report rather than the word "members" alone.

24. Document CAT/C(VI)/CRP.1/Add.4, as amended, was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Turkey (CAT/C(VI)/CRP.1/Add.5)

25. Mr. SORENSEN said that he wished it to be recorded that, having visited Turkey as a member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, he had refrained from participating in the discussion of the initial report of Turkey (CAT/C/7/Add.6).

26. Mr. GIL LAVEDRA said that he had some reservations regarding paragraphs 6 and 31 as currently worded. Paragraph 31 expressed some criticism of the report from Turkey that was not reflected in paragraph 6.

27. Mr. BURNS said that it was apparent from the summary record of the Committee's 61st meeting (CAT/C/SR.61) that the Committee did not regard the initial report of Turkey as "objective". The word that he, as country rappporteur, had used was "comprehensive": he therefore suggested that the words "and objective" should be deleted from the first sentence of paragraph 6. He also proposed that the word "torture" should be substituted for the words "an offence" in paragraph 15.

28. The CHAIRMAN suggested that the first sentence of paragraph 6 should be amended to read: "Members of the Committee expressed their gratitude for the report, which they considered informative".

29. Document CAT/C(VI)/CRP.1/Add.5, as amended, was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Ecuador (CAT/C(VI)/CRP.1/Add.6)

30. Document CAT/C(VI)/CRP.1/Add.6 was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Greece (CAT/C(VI)/CRP.1/Add.7)

31. The CHAIRMAN said that, in paragraph 2, the words "instrument of accession to" should be replaced by the words "question of the ratification of". In the French text of the last sentence of paragraph 17, the word "supérieur" was superfluous and could therefore be deleted.

32. Document CAT/C(VI)/CRP.1/Add.7, as amended, was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Netherlands Antilles and Aruba (CAT/C(VI)/CRP.1/Add.8)

33. Document CAT/C(VI)/CRP.1/Add.8 was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Finland (CAT/C(VI)/CRP.1/Add.9)

34. The CHAIRMAN said that, in paragraph 26, the words "mutual assistance policy" should be amended on the basis of the wording of the Convention.

35. Document CAT/C(VI)/CRP.1/Add.9, as amended, was adopted.

The meeting was suspended at 4.35 p.m. and resumed at 4.40 p.m.

Chapter VI. Consideration of communications under article 22 of the Convention (CAT/C(VI)/CRP.2)

36. Mr. SORENSEN pointed out that it was not the usual practice for the Committee's annual report to include summaries of proceedings that were fully reflected in earlier annual reports. He therefore proposed that paragraph 7, together with the word "further" in the first sentence of paragraph 8, should be deleted. Paragraphs 8 and 9 would be renumbered accordingly. He also proposed that the word "any" in the third sentence of the existing paragraph 9 should be replaced by the word "sufficient".

37. Document CAT/C(VI)/CRP.2, as amended, was adopted.

Chapter VII. Future meetings of the Committee (CAT/C(VI)/CRP.2/Add.1)

38. Document CAT/C(VI)/CRP.2/Add.1 was adopted.

Annexes I, II and III (CAT/C(VI)/CRP.3)

39. Document CAT/C(VI)/CRP.3 was adopted.

Annex IV (CAT/C(VI)/CRP.3/Add.1)

40. Document CAT/C(VI)/CRP.3/Add.1 was adopted.

The meeting rose at 5.05 p.m.

UNITED
NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/SR.86
7 May 1991

Original: ENGLISH

COMMITTEE AGAINST TORTURE

Sixth session

SUMMARY RECORD OF THE 86th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 2 May 1991, at 3.30 p.m.

Chairman: Mr. VOYAME

CONTENTS

Annual report of the Committee on its activities (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-12040/6147a

The meeting was called to order at 4.05 p.m.

ANNUAL REPORT OF THE COMMITTEE ON ITS ACTIVITIES (agenda item 10) (continued) (CAT/C(VI)/CRP.1 and Add.1-13, CAT/C(VI)/CRP.2 and Add.1 and 2, CAT/C(VI)/CRP.3 and Add.1-4)

1. The CHAIRMAN invited the members of the Committee to consider the draft annual report to be submitted by the Committee under article 24 of the Convention.

2. He recalled the decision taken at a previous meeting that the names of the country rapporteur for each country would be included at the beginning of the section of the report dealing with that country. However, Mr. Houshmand had indicated that that might not be a good idea because it might unduly personalize the report and give the impression that the conclusions drawn by the Committee were essentially those of the country rapporteur.

3. He therefore suggested that the names of the country rapporteurs should be included in a list given in the annex to the report.

4. Mr. MIKHAILOV said that, in his opinion, the Committee should take account of the comments made by Mr. Houshmand. With regard to the suggestion by the Chairman, he did not think that the name of the country rapporteur should be included in an annex, since that might give the impression that he had done more than the Rapporteur of the Committee.

5. Mr. HOUSHMAND (Representative of the Secretary-General) said that he had made his comments, which were based on the practice of all the other treaty bodies, for two reasons. One was that the annual report was submitted to the General Assembly on behalf of the Committee and, unlike the summary records, in which the names of speakers were indicated in the order in which they had spoken, the summaries prepared for the report to the General Assembly reflected a consolidated view of the Committee as such.

6. The second reason why the name of the country rapporteur should not be mentioned in the text, but included in an annex, was that, while the Rapporteur of the Committee spoke on behalf of the Committee, the country rapporteur expressed the view of only one member. That was why the other treaty bodies followed the practice of mentioning Special Rapporteurs and alternates in an annex. Of course, the summaries of the discussions in those bodies contained a sentence which indicated where the names of the Special Rapporteurs would be found.

7. After a discussion in which Mr. MIKHAILOV and Mr. DIPANDA MOUELLE took part, the CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to his suggestion.

8. It was so decided.

Chapter I. Organizational and other matters (CAT/C(VI)/CRP.1/Add.1) (continued)

9. Mr. BURNS, referring to paragraph 5, suggested that the following sentence should be added after the first sentence: "A film on this subject was shown to the members of the Committee".

10. Mr. SORENSEN said that the name of the film should be mentioned.

11. It was so decided.

12. The CHAIRMAN said that paragraph 9 was too negative with regard to the draft optional protocol. It clearly reflected the criticism expressed, but did not do so well as far as the positive aspects were concerned. With regard to the third sentence, he thought that, during the discussion in the Committee, reference had been made to "problems" and "difficulties", but that no mention had been made of "obstacles". He therefore suggested that the sentence should be amended to read: "Concerns were raised about the amount and complexity of the work associated with regular visits to places of detention on different continents, the language barrier that may exist between experts and persons interviewed during such visits and the high financial cost of the preventive system envisaged by the draft optional protocol".

13. He did not think that the sixth sentence was necessary, since it was for States to study carefully the text of the optional protocol and to express their opinion on it.

14. Mr. BURNS (Rapporteur) said that he would have no objection to the deletion of the sixth sentence.

15. Mr. MIKHAILOV, supported by Mr. SORENSEN, said that the sentence reflected the view expressed in the Committee and should therefore be retained.

16. Mr. PERLAS said that the sentence should be maintained, since it was the States parties that would have to make the final decision concerning the system envisaged.

17. The CHAIRMAN said that he would not press his suggestion.

18. He suggested that the following text should be inserted after the fifth sentence of paragraph 9: "But it was also pointed out that this objection had been taken into account by the authors of the draft optional protocol, in article 9 on relations with regional organizations".

19. Mr. SORENSEN suggested that the beginning of that sentence should read: "In the view of some of the members ...". He also wished to make it clear that he was not happy with the way the draft optional protocol dealt with the issue.

20. Mr. BURNS (Rapporteur) suggested the wording: "But one member of the Committee was of the view that ...".

21. Document CAT/C(VI)/CRP.1/Add.1, as amended, was adopted.

Chapter II. Action by the General Assembly at its forty-fifth session (CAT/C(VI)/CRP.1/Add.2)

22. Mr. BURNS (Rapporteur) said that there was a grammatical error in the English text of paragraph 4 which he would correct in a note to the secretariat.

23. The CHAIRMAN said that paragraph 13, which referred to the members responsible for liaison with the other human rights treaty bodies, did not actually give the names of the persons concerned.

24. Mr. BRUNI (Secretary of the Committee) said that the members already appointed might be unable to take up their liaison duties for some reason and that the list might therefore have to be changed.

25. Document CAT/C(VI)/CRP.1/Add.2 was adopted.

Chapter III. Submission of reports by States parties under article 19 of the Convention (CAT/C(VI)/CRP.1/Add.3)

26. Mr. SORENSEN, referring to paragraph 10, said that, during the discussion on ways of ensuring the timely submission of reports, he had suggested that the discussion of the report of a State party which was three years overdue should be included in the Committee's agenda, even if the report had not been received.

27. Mr. BURNS (Rapporteur) suggested that the following new sentence should be added before the last sentence of paragraph 10: "It was also suggested that, where States parties were three years late in presenting their reports, the Committee would examine the implementation of the Convention in that State party on the basis of such information as it had available to it".

28. Document CAT/C(VI)/CRP.1/Add.3, as amended, was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Panama (CAT/C(VI)/CRP.1/Add.10)

29. Ms. CHANET said that, in paragraph 5, the Committee was said to have asked for information on the powers of the Guardia Civil in Panama. In fact, however, the Guardia Civil existed in Spain and other Spanish-speaking countries, but not in Panama.

30. Mr. BURNS (Rapporteur), supported by the CHAIRMAN, suggested the following wording: "... the organization and powers of the police force in Panama".

31. It was so decided.

32. The CHAIRMAN said that, according to paragraph 5, the Committee had noted "that Panama's report was somewhat brief", which was surely an understatement.

33. Mr. BURNS (Rapporteur) suggested that the words "too brief" should be used.

34. It was so decided.

35. Ms. CHANET, noting that the second sentence of paragraph 8 referred to a question by members of the Committee concerning the frequency of death sentences in Panama, said that there was no death penalty in Panama.

36. The CHAIRMAN suggested that that sentence should be amended to read: "They also wished to know what penalties were laid down for failure to observe disciplinary rules in prisons ...".

37. It was so decided.

38. Mr. DIPANDA MOUELLE suggested that, in the second sentence of paragraph 14, the words "torture and" should be added before the word "ill-treatment".

39. It was so decided.

40. Document CAT/C(VI)/CRP.1/Add.10, as amended, was adopted.

Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Chile (CAT/C(VI)/CRP.1/Add.11)

41. Ms. CHANET suggested that the euphemistic words "an incorrect representation" in the first sentence of paragraph 2 should be replaced by the words "a distorted picture".

42. Mr. SORENSEN suggested that it would be better merely to state that the previous Government's report was untrue, as the Chilean representatives themselves had maintained.

43. The CHAIRMAN said that Ms. Chanet's revised wording would adequately reflect that view.

44. Ms. CHANET said that, in the fourth sentence of the French text of paragraph 26, the word "compenser" should be replaced by the word "indemniser".

45. The CHAIRMAN said that paragraph 24 of the French text should be amended along the same lines.

46. Mr. KHITRIN, supported by Mr. MIKHAILOV and Ms. CHANET, suggested that, in paragraph 26, it would be better to refer to the Government's aspiration to restore democracy rather than to its actual achievement.

47. Mr. BURNS (Rapporteur) said that the Committee's reservations could be reflected if it was stated that members of the Committee congratulated the Chilean Government "for the diligence with which it was attempting to restore democracy".

48. Ms. DIAZ PALACIOS said that it must be recognized that the Chilean Government had to contend with authoritarian elements inherited from the military régime. The first sentence of paragraph 26 might therefore appropriately conclude with the wording "and wished it success in overcoming the obstacles that it confronts in restoring full democracy in the country".

49. Ms. CHANET pointed out that the suggestion did not accurately reflect the statement by the country rapporteur; it also did not reflect the Committee's opinion. The Committee appeared to be absolving the Government from responsibility for its failure to secure full democracy. The report must reflect the fact that the Committee had stressed both the Government's efforts and its failure, thus far, to achieve full democracy.

50. Mr. DIPANDA MOUELLE said that he favoured the adoption of the wording which had been proposed by Ms. Díaz Palacios and which reflected the full range of opinions.

51. Mr. SORENSEN said he thought that the suggestion was a good one, provided that the second sentence beginning with the words: "Members noted, however, ..." was deleted.

52. Ms. CHANET suggested that one solution would be to replace the word "toutefois" by the words "à cet égard" in the French text of the second sentence.

53. It was so decided.

54. Mr. PERLAS, referring to the first sentence of paragraph 25, asked whether the Chilean delegation had really said that the onus was on the accused to prove that torture had been applied. Regarding the last sentence of the same paragraph, he asked whether the intention had in fact been "to determine whether the confession had been obtained under duress". His recollection was that the victim was asked to make his statement again and that the judge was then called upon to decide not whether the confession had been obtained under duress, but which confession was more acceptable on the basis of other available evidence.

55. THE CHAIRMAN said that the wording of the report reflected that of the relevant summary record.

56. Mr. BURNS (Rapporteur) said he agreed with the point made by Mr. Perlas. However, he felt that, while puzzling to a lawyer, the point would be clear enough to the layman.

57. The CHAIRMAN said that, in his opinion, the wording of the report was an adequate, if not fully detailed, reflection of the Committee's discussion.

58. Document CAT/C(VI)/CRP.1/Add.11, as amended, was adopted.

59. The CHAIRMAN said that, in accordance with a suggestion by the Representative of the Secretary-General, he took it that the Committee decided to follow the practice of other committees and, in the interests of clarity, begin the last part of its report concerning each State with the subtitle "Concluding observations".

60. It was so decided.

Chapter V. Consideration of information received under article 20 of the Convention (CAT/C(VI)/CRP.1/Add.13)

61. Document CAT/C(VI)/CRP.1/Add.13 was adopted.

Chapter VIII. Adoption of the annual report of the Committee on its activities (CAT/C(VI)/CRP.2/Add.2)

62. Document CAT/C(VI)/CRP.2/Add.2 was adopted.

Annex V (CAT/C(VI)/CRP.3/Add.2); annexes VI and VII (CAT/C(VI)/CRP.3/Add.3)

63. The CHAIRMAN said that the documents under consideration simply reflected decisions already taken by the Committee, and that no further decision on them was necessary. If he heard no objection, he would take it that the Committee took note of the fact that those documents, which had already been adopted, would be published as annexes to the report.

64. Documents CAT/C(VI)/CRP.3/Add.2 and CAT/C(VI)/CRP.3/Add.3 were adopted.

Annex VIII (CAT/C(VI)/CRP.3/Add.4)

65. The CHAIRMAN said that the document as issued differed from the text adopted by the Committee: subparagraph (c) had been deleted and the words "following the order of articles 1 to 16" added to the title of part I.

66. Mr. HOUSHMAND (Representative of the Secretary-General) explained that the secretariat had considered that the method for submission of information requested under subparagraphs (a) and (b) would be more clearly comprehensible if it was reflected in the title of part I.

67. The CHAIRMAN said that he found the secretariat's argument unconvincing.

68. Ms. CHANET said that, in her view, neither solution was entirely satisfactory. It made little sense to place the request for submission of information on an article-by-article basis at the very end of the section. On the other hand, some of the measures about which information was requested did not concern every article of the Convention. The main question was whether, as they stood, the guidelines would be comprehensible to States parties.

69. Mr. DIPANDA MOUELLE said that he shared Ms. Chanet's concern. He suggested that the title of part I as amended by the secretariat should be retained, with the addition of the words ", where appropriate" before the words "following the order of articles 1 to 16".

70. It was so decided.

71. Document CAT/C(VI)/CRP.3/Add.4, as amended, was adopted.

The meeting rose at 6 p.m.

UNITED
NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/SR.87
7 June 1991

ENGLISH
Original: FRENCH

COMMITTEE AGAINST TORTURE

Sixth session

SUMMARY RECORD OF THE 87th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 3 May 1991, at 10 a.m.

Chairman: Mr. VOYAME

CONTENTS

Adoption of the annual report of the Committee on its activities (continued)

Closure of the session

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-12046/0381H

The meeting was called to order at 10.05 a.m.

ADOPTION OF THE ANNUAL REPORT OF THE COMMITTEE ON ITS ACTIVITIES (agenda item 10) (continued) (CAT/C(VI)/CRP.1/Add.12)

CAT/C(VI)/CRP.1/Add.12 (Chapter IV. Consideration of reports submitted by States parties under article 19 of the Convention: Algeria)

1. Mr. DIPANDA MOUELLE proposed that, in order to reflect accurately the question he had put to the members of the Algerian delegation, the second clause of the penultimate sentence of paragraph 3 should be amended to read: "whether the judge's obligation to conciliate between the parties to an administrative law dispute might not lead to an arbitrary result in the case of an individual who was in disagreement with the public authorities".

2. It was so decided.

3. Paragraphs 1-19 were adopted.

4. Mr. PERLAS said that, in the last sentence of paragraph 20, it would be advisable to specify that the official who committed an offence was also liable to prosecution as the perpetrator of the offence so as to avoid any suggestion that only the superior officer who gave the order to commit the unlawful act was punishable.

5. The CHAIRMAN suggested that, to meet Mr. Perlas' concern, the following words should be added at the end of paragraph 20: "such subordinate being himself liable to prosecution as the perpetrator of the act".

6. It was so decided.

7. Paragraphs 20-27 were adopted.

8. Ms. CHANET proposed that the word "democracy", in the fifth line of paragraph 28, should be replaced by "democratization". While it was right and proper to welcome the steps taken by the Algerian Government to allow Algeria to move towards democracy, that objective, it should not be forgotten, was still far from attainment.

9. It was so decided.

10. Document CAT/C(VI)/CRP.1/Add.12, as amended, was adopted.

11. The CHAIRMAN invited the Committee to adopt the draft annual report as a whole.

12. The draft annual report of the Committee on its activities was adopted unanimously.

CLOSURE OF THE SESSION

13. Following an exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 10.25 a.m.